

111TH CONGRESS
2D SESSION

H. R. 6444

To amend title I of the Patient Protection and Affordable Care Act to provide for appropriate procedures under such title for verification of citizenship status.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2010

Mr. ROHRABACHER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title I of the Patient Protection and Affordable Care Act to provide for appropriate procedures under such title for verification of citizenship status.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Health Care Sub-
5 sidies for Illegal Aliens Act of 2010”.

1 **SEC. 2. PROCEDURES FOR ELIGIBILITY DETERMINATIONS**
2 **UNDER TITLE I OF THE PATIENT PROTEC-**
3 **TION AND AFFORDABLE CARE ACT.**

4 (a) REQUIREMENTS FOR IN-PERSON ATTESTATION
5 OF CITIZENSHIP STATUS OR STATUS AS ELIGIBLE LAW-
6 FUL PERMANENT RESIDENT.—Section 1411 of the Pa-
7 tient Protection and Affordable Care Act is amended—

8 (1) in subsection (a), by striking “ESTABLISH-
9 MENT OF PROGRAM.—” and all that follows through
10 “determining—” and inserting “VERIFICATION
11 PROCESS.—The Secretary shall ensure that eligi-
12 bility determinations required by this Act are con-
13 ducted in accordance with the requirements of this
14 section, including requirements for determining—”;

15 (2) in subsection (a)(1), by inserting “eligible”
16 before “alien”; and

17 (3) in subsection (b)(1)—

18 (A) by striking “provide—” and inserting
19 “appear in person to provide the Exchange with
20 the following.”; and

21 (B) by redesignating subparagraph (B) as
22 subparagraph (C), by striking “and” at the end
23 of subparagraph (A), and by inserting after
24 subparagraph (A) the following:

“(B) a sworn statement, under penalty of perjury, specifically attesting to the fact that the enrollee is either—

“(i) a citizen or national of the United States; or

“(ii) an alien who meets the requirements under subsection (a)(1) for eligibility for coverage under a qualified health plan offered through an Exchange; and”.

(b) REQUIREMENTS FOR ESTABLISHMENT OF STATUS.—

(1) IN GENERAL.—Section 1411(b)(2) of such Act is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) EVIDENCE OF CITIZENSHIP OR NATIONALITY.—In the case of an enrollee whose eligibility is based on attestation of citizenship of the enrollee, satisfactory evidence, provided by the applicant, of citizenship or nationality (within the meaning of section 1903(x) of the Social Security Act (42 U.S.C. 1396b)).

“(B) EVIDENCE OF SATISFACTORY IMMIGRATION STATUS.—In the case of an enrollee

1 whose eligibility is based on attestation of the
2 enrollee’s immigration status—

3 “(i) such information as is necessary
4 for the applicant to demonstrate that the
5 enrollee is in “satisfactory immigration
6 status” as defined and in accordance with
7 the Systematic Alien Verification for Enti-
8 tlements (SAVE) program established by
9 section 1137 of the Social Security Act (42
10 U.S.C. 1320b–7), and

11 “(ii) such other additional identifying
12 information as the Secretary, in consulta-
13 tion with the Secretary of Homeland Secu-
14 rity, may require in order for the applicant
15 to demonstrate satisfactory immigration
16 status of the enrollee.”.

17 (2) VERIFICATION OF ELIGIBILITY BY EX-
18 CHANGE THROUGH DOCUMENTATION.—

19 (A) ELIGIBILITY VERIFICATION BY EX-
20 CHANGE.—Section 1411(c) of such Act is
21 amended—

22 (i) by striking the subsection heading
23 and inserting “VERIFICATION OF ELIGI-
24 BILITY THROUGH DOCUMENTATION.—”;
25 and

1 (ii) by striking paragraphs (1) and (2)
2 and inserting the following:

3 “(1) IN GENERAL.—Each Exchange shall con-
4 duct eligibility verification, using the information
5 provided by an applicant under subsection (b), in ac-
6 cordance with this subsection.

7 “(2) VERIFICATION OF CITIZENSHIP OR IMMI-
8 GRATION STATUS.—

9 “(A) VERIFICATION OF ATTESTATION OF
10 CITIZENSHIP.—Each Exchange shall verify,
11 based on satisfactory documentary evidence of
12 citizenship or nationality provided in accordance
13 with subsection (b)(2)(A), the eligibility for en-
14 rollment of each individual who has been at-
15 tested by an applicant, as required by sub-
16 section (b)(1)(B), to be a citizen or national of
17 the United States.

18 “(B) VERIFICATION OF ATTESTATION OF
19 ELIGIBLE IMMIGRATION STATUS.—Each Ex-
20 change shall verify, based on evidence provided
21 pursuant to subsection (b)(2)(B), the eligibility
22 for enrollment of each individual who has been
23 attested by an applicant, as required by sub-
24 section (b)(1)(B), to be an alien who is eligible

1 for coverage under a qualified health plan of-
2 fered through an Exchange.”.

3 (B) DOCUMENTATION PROVIDED WITH AP-
4 PPLICATION.—Section 1411(b)(1)(C) of such Act
5 (as redesignated under subsection (a)(3)(A)) is
6 amended by inserting “and documentation
7 thereof in accordance with this section” before
8 the period.

9 (3) ELIMINATION OF SECRETARIAL AUTHORITY
10 TO MAKE MODIFICATIONS TO METHODS FOR
11 VERIFICATION.—Section 1411(c)(4) of such Act is
12 amended—

13 (A) by striking “METHODS.—” and all
14 that follows through “The Secretary, in con-
15 sultation” and inserting “METHODS.—The Sec-
16 retary, in consultation”;

17 (B) by striking subparagraph (B); and

18 (C) by redesignating clauses (i) and (ii) as
19 subparagraphs (A) and (B), respectively.

20 (4) CONFORMING AMENDMENTS RELATING TO
21 REQUIREMENTS FOR SECRETARIAL VERIFICATION.—

22 (A) IN GENERAL.—Section 1411 of such
23 Act is amended by striking subsection (d) and
24 redesignating subsections (e) through (i) as
25 subsections (d) through (h), respectively.

1 (B) ADDITIONAL CONFORMING AMEND-
 2 MENTS.—Subsection (d) of such section 1411
 3 (as redesignated by subparagraph (A)) is
 4 amended—

5 (i) in paragraph (1), by striking the
 6 last sentence; and

7 (ii) in subparagraphs (A) and (B) of
 8 paragraph (2), by striking “subsections (c)
 9 and (d)” each place it appears and insert-
 10 ing “subsection (c)”.

11 (5) TREATMENT OF INCONSISTENCIES IN AC-
 12 CORDANCE WITH EXISTING SECONDARY
 13 VERIFICATION PROCESS.—Section 1411(d)(3) of
 14 such Act (as redesignated by paragraph (4)(A)) is
 15 amended by striking “under section 1902(ee) of the
 16 Social Security Act (as in effect on January 1,
 17 2010)” and inserting “in accordance with the sec-
 18 ondary verification process established consistent
 19 with section 1137 of the Social Security Act (as in
 20 effect as of January 1, 2009)”.

21 **SEC. 3. EFFECTIVE DATE.**

22 The amendments made by this Act shall apply as if
 23 included in the enactment of the Patient Protection and
 24 Affordable Care Act.

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